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## **GOVERNMENT OF PUERTO RICO**

Puerto Rico Police Bureau

### **PROTOCOL**



<b>Chapter:</b> N/A	<b>Section:</b> N/A	<b>Date in effect</b>
<b>Title: Protocol for Designation of Trust Position in the Rank System</b>		
<b>Review:</b> Biennial		<b>Number of Pages:</b> 8

#### **I. Purpose**

This Protocol has the purpose of establishing the norms and procedures for the designation of personnel to positions in the trust service in the rank system of the Puerto Rico Police Bureau (PRPB), i.e. , the Assistant Superintendents' offices, Area Command Centers, Bureaus, and Offices.

#### **II. Introduction**

Act 20-2017, as amended, known as the Puerto Rico Department of Public Safety Act, empowers the Commissioner of the PRPB, with the consent of the Secretary, to determine the location and duties of all the members of the PRPB. In addition, said Act grants the power to designate Assistant Commissioners to serve in said positions at the discretion of the Commissioner. The position of Assistant Commissioner will be classified under the trust service. Likewise, it recognizes broad powers and discretion to consider and order the transfer of any of the members of the Puerto Rico Police Bureau deemed necessary to improve the use and distribution of the human resources while excellence and efficiency are ensured in the rendering of services.

#### **III. Legal Basis**

1. Act 20-2017, as amended, known as the Puerto Rico Public Safety Department Act.
2. Act 8-2017, as amended, known as the Human Resources Transformation and Administration Act for the Government of Puerto Rico"
3. Agreement for the Sustainable Reform in the Police of Puerto Rico, 3:12-cv-20139.
4. Public Safety Comprehensive Plan.

#### **IV. Definitions**

1. **Commissioner:** Means the Commissioner of the Police Bureau of the Puerto Rico Public Safety Department.
2. **Assistant Commissioner:** Means the employee designated by the Commissioner to lead any of the Assistant Superintendent's Office of the Bureau.

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3. **MPRPB:** Means the public servant from the Police Bureau that is dully trained to carry out duties of a law enforcement officer pursuant to the Rules of the Police Bureau. It only includes the personnel who directly performs tasks for criminal investigation, maintaining public order, protecting lives and properties of citizens pursuant to the Rules of the Police Bureau.
4. **Bureau:** The operational or administrative unit that groups offices and/or divisions with similar duties.
5. **Office:** The Office of the Commissioner and those functional organic structures that respond directly to the Commissioner. In addition, those functional organic structures within the bureaus that due to their complexities and technical nature require a level of leadership over the one in a division.
6. **Merit Principle:** Means that all public employees will be recruited, chosen, trained, promoted, transferred, remoted, and retained considering their skills and performance of the duties inherent to the position and without discrimination by race, color, birth, sex, age, sexual orientation, gender identity, origin, social condition, or political, religious ideals, condition as a veteran, due to being a victim or having been perceived as a victim of domestic violence, sexual assault, stalking, mental or physical disability.
7. **Trust employee:** Those that pursuant to their duties participate substantially in the drafting of public policy, the ones that advice directly or who render services directly to the head of the agency. These include executive and administrative aides who respond directly to the head of the agency; as well as the assistant heads of agencies and regional directors of said agencies.<sup>1</sup>

## V. Norms and Procedures

### A. Trust Positions in the PRPB

1. The trust positions can be covered through recruitment of candidates coming from the private sector, other government agencies, or the PRPB. The following positions will be considered trust positions:
  - a. Assistant Commissioners
  - b. Area Commanders
  - c. Bureau Directors
  - d. Office Directors
2. The personnel comprising the trust service will be of free selection and free removal.

<sup>1</sup> Article 8.1 (2) Act 8-2017, as amended Human Resources Transformation and Administration Act for the Government of Puerto Rico”

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## **B. Assistant Commissioners**

1. The Assistant Commissioners will be the directors of the assistant superintendents' office, will respond directly to the Commissioner, and will serve in said positions at the discretion of the Commissioner.
2. The Commissioner can designate any member of the PRPB as Assistant Commissioner. The members of the PRPB who occupy the position of Assistant Commissioner, will fully perform the authority delegated by the Commissioner. Those members of the PRPB who are designated as Assistant Commissioners will have the rank of Colonel while they perform as such. When ending their duties they will go back to their corresponding permanent rank, the salary assigned to it and the automatic step if they have not been at the maximum of the rank scale they held before going into the trust position. All Assistant Commissioners who hold the rank of Colonel while performing in the position, will have the same duties and responsibilities of a Colonel as in the full position, as established in the Description of the Rank System Functions, Duties, and Responsibilities Employee Handbook.
3. The rank the MPRPB will have while performing the position of Assistant Commissioner will not be considered a promotion. Immediately he/she stops being in the position he/she will return to the rank they held before the designation.
4. The designation of the trust position will not be an impediment to compete in equal conditions for promotions according to what is established in the Promotions Protocols of the PRPB

## **C. General Requirements**

1. The Commissioner will take into consideration to designate the person who will occupy the trust position the following:
  - a. That the person who meets the minimum requirements of academic preparation, professional experience, and any other that the Commissioner considers essential for the adequate performance of their duties.
  - b. Skills of the person to occupy the position.
  - c. Be physically and mentally capable to perform the duties
  - d. Not having incurred in dishonorable conduct.
  - e. Not having been convicted of any felony or misdemeanor that implies moral depravation.
  - f. Not having administrative complaints pending for adjudication or which have been upheld in the last five (5) years for the following grounds: Civil Rights Violation,

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- Domestic Violence, Misappropriation, Fraud, or Corruption.
- g. Not be an addict to controlled substances or alcohol recidivist.
- h. Not having been declared mentally disabled by a court with jurisdiction.
- i. Knowledge in the drafting of Public Policy to be implemented.
- j. License to perform a profession.

#### **D. Specific Requirements for Assistant Commissioner**

In addition to the requirements mentioned in the above Sub-Section C, to appoint the Assistant Commissioners of the Superintendents' office, the Commissioner will keep in mind the following specific requirements:

##### **1. Assistant Commissioner of Field Operations**

- a. A minimum of Bachelor's degree issued by an accredited university or to be a MPRPB with a minimum experience of fifteen (15) years in the PRPB.
- b. Possess a minimum of five (5) years of experience leading units of the PRPB.
- c. Possess three (3) years of minimum experience coordinating operational work plans.
- d. Comply with the trainings required by the PRPB.

##### **2. Assistant Commissioner in Education and Training**

- a. A minimum of a Master's degree issued by an accredited university or be a MPRPB with a minimum experience of twenty (20) years in the PRPB.
- b. If a MPRPB, possess five (5) years minimum experience leading units of the PRPB.
- c. If a MPRPB, having had experience as instructor in the SAEA.
- d. If MPRPB, comply with all the trainings required by the PRPB.

##### **3. Assistant Commissioner in Criminal Investigations**

- a. A minimum of a Bachelor's degree issued by an accredited university or to be a MPRPB with a minimum experience of fifteen (15) years in the PRPB.
- b. Experience of a minimum of three (3) years in the investigative branch of the PRPB.

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- c. Possess five (5) years of minimum experience leading investigation units of the PRPB.
  - d. Experience working in coordination with Federal and/or State law enforcement Agencies, including Task Forces, among others.
  - e. Comply with the trainings required by the PRPB.
- 4. Assistant Commissioner in Special Operations**
- a. Having as a minimum a Bachelor's degree issued by an accredited university or be a MPRPB with a minimum experience of fifteen (15) years in the PRPB.
  - b. Minimum experience of five (5) years in the investigation branch of the PRPB.
  - c. Minimum experience of three (3) years gathering and analyzing criminal intelligence.
  - d. Experience working in coordination with Federal and/or law enforcement Agencies, including Task Forces, among others.
  - e. Possess experience coordinating special operations within the PRPB.
  - f. Comply with the trainings required by the PRPB.
- 5. Assistant Commissioner in Professional Responsibility**
- a. Having as a minimum a Bachelor's degree issued by an accredited university or be a MPRPB with a minimum experience of fifteen (15) years in the PRPB.
  - b. Minimum experience of five (5) years in the investigation branch of the PRPB.
  - c. If a MPRPB, possess work experience in the Assistant Superintendents' Office of Professional Responsibility.
  - d. Comply with the trainings required by the PRPB.
- 6. Assistant Commissioner in General Services**
- a. Having as a minimum a Master's degree issued by an accredited university or be a MPRPB with a minimum experience of twenty (15) years in the PRPB.
  - b. If a MPRPB, minimum experience of five (5) years in human resources.
  - c. Having worked at the management level in any government agency or private sector.
  - d. Proficient in English and Spanish orally and in writing.

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- e. Possess minimum knowledge of the laws and procedures of the government of Puerto Rico.
- f. Comply with the trainings required by the PRPB.

**7. Assistant Commissioner in Fortaleza Police**

- a. Be a MPRPB designated by the commissioner, with the approval of the Public Safety Secretary, after consult with the Current Governor.
- b. Possess experience in security and protection.
- c. Comply with the trainings required by the PRPB.

**E. Right to Reinstatement**

The employee who has a regular status in the career service and goes into the trust service will have the absolute right to be reinstated in an equal or similar position to the last one held in the career service, unless the removal from the trust position has been done through filing of charges. Provided that the employee will be creditor of all the benefits regarding classification and salary that has been extended to the career position previously held, during the time in which the employee was in the trust service.

**VI. General Provisions**

**A. Interpretation**

- 1. The words and phrases used in this Protocol will be interpreted according to the context and the meaning sanctioned by the common and usual use.
- 2. The terms used in this Protocol in the future including also the present; the ones used in the male gender include the female gender and neutral gender, except in cases in which the interpretation results absurd; the singular includes the plural and the plural includes the singular.
- 3. If the language employed is susceptible of two (2) or more interpretations, shall be interpreted to further the purposes of this Protocol and of the part, section, or specific item subject to interpretation.

**B. Compliance**

- 1. All supplementary payment or special compensation that has been granted to the Member of the Police of Puerto Rico Bureau designated to hold any of the positions herein established will be immediately suspended ceasing in the duties of the trust position.

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2. The Human Resources Bureau will request the compensation that corresponds to the trust position, pursuant to Circular Letter 144-`17 of the Budget and Management Office.
3. All employees of the PRPB will have the obligation to comply with the provisions of this Protocol and report to his/her immediate supervisor or superior of the rank system, on any violation of these norms. Any action or omission that violates the provision of this Protocol will be referred and investigated by the Assistant Superintendent's Office of Professional Responsibility pursuant to the applicable norms.
4. The supervisors will ensure compliance with this Protocol, as well as of the personnel under the supervisor be dully advised. The employee from the PRPB who does not comply with any of the provisions of this Protocol will be subject to disciplinary sanctions, possible criminal charges, and/or civil actions, as they may correspond.

#### **C. Repeal**

If any provision of this Protocol is declared null or unconstitutional by a Court, said declaration will not affect or invalidate the remaining provisions or parts of it.

#### **D. Duration**

This Protocol will be in force from \_\_\_\_\_, \_\_\_\_\_ of 2021.

#### **E. Approval**

Approved today \_\_\_\_\_, \_\_\_\_\_ of 2021.

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**Colonel Antonio López Figueroa**  
**Commissioner**